

REMARKS

Prior to this Amendment, claims 1-2 were pending. By this Amendment, claims 83-86 have been added. Accordingly, claims 1, 2, and 83-86 are pending.

Support for new claims 83-86 is found in the specification as follows:

Claims 83 and 85: page 9, line 12 (“In an alternative embodiment, the reacting step is performed under neat conditions.”)

Claims 84 and 86: page 9, lines 13-15 (“The neat conditions may obtained by melting a solid form of the compound of formula III to form a liquid and, dissolving the compound of formula II in the liquid to form a reaction mixture.”)

The Applicants note that claims 83-86 do not define the same invention as any of the claims of U.S. Patent No. 6,699,997. Claims 83 and 84 depend from claim 1 and thus incorporate all the limitations of claim 1. The claims of U.S. Patent No. 6,699,997 that recite neat conditions (claims 9 and 10) depend from claim 1 of U.S. Patent No. 6,699,997 and thus incorporate the limitations of claim 1 of U.S. Patent No. 6,699,997. The limitations of claim 1 of the present application differ from the limitations of claim 1 of U.S. Patent No. 6,699,997. Therefore, the limitations of claims 83 and 84 of the present application are different from the limitations of claims 9 and 10 of U.S. Patent No. 6,699,997. Accordingly, a same invention-type double patent rejection of present claims 83 and 84 over claims 9 and 10 of U.S. Patent No. 6,699,997 is not appropriate.

Similarly, claims 85 and 86 depend from claim 2 and thus incorporate the limitations of claim 2. Thus, claim 85 and 86 contain different limitations from claims 9 and 10 of U.S. Patent No. 6,699,997. Accordingly, a same invention-type double patent rejection of present claims 85 and 86 over claims 9 and 10 of U.S. Patent No. 6,699,997 is not appropriate.

A terminal disclaimer was previously submitted in the present application over U.S. Patent No. 6,699,997. Accordingly, an obviousness-type double patenting rejection of claims 83-86 over the claims of U.S. Patent No. 6,699,997 is not appropriate.

Claims 1 and 2 have previously been found to be allowable over the prior art. Claims 83-86 depend from claims 1 and 2. Accordingly, the Applicants submit that claims 83-86 are also allowable over the prior art.

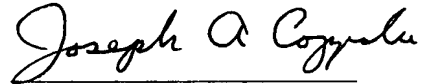
The Applicants hereby make a Conditional Petition for any relief available to correct any defect seen in connection with this filing, or any defect seen to be remaining in this application after this filing. The Commissioner is authorized to charge Kenyon & Kenyon's Deposit Account No. 11-0600 for the Petition fee and

any other fees required to effect this Conditional Petition.

Respectfully submitted,

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